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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,595	01/08/2002	Robert W. Tritchler	GRC 19.329	6456

7590 04/24/2003

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,595

Applicant(s)

TRITCHLER ET AL.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because a bracket should embrace the illustrations of figures 1, 4, 7, 10 and 13. Reference numbers cannot be shared between figures as is in figures 16 and 17. Figure 3 does not have a leader line supporting reference numeral 19. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 52, 55, 76. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "70" has been used to designate both a head and a pivoting joint. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 57. A proposed drawing correction or corrected drawings are required in

reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first member having a screw thread on one end which mates with an internal screw thread formed in the attachment, and the housing being designed for tightening and untightening by hand must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Page 8, line 8, change from "12" to "21".

Page 8 recites, "grooved 29" and "manipulable collar 29"; however, both of these statements cannot be true.

Page 9 recites, "A thrust washer is shown at 67", and page 10 recites, "knurled collars 67"; however, both of these statements cannot be true.

Appropriate correction is required.

Claim Objections

Claims 11 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 16 recites the limitation "the o-ring" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 1, 4, 14 and 17 are objected to because of the following informalities:

Claim 1, line 2, change from "outlet comprising" to "outlet, said joint comprising".

Claim 4, line 2, change from "the fluid" to "a fluid".

Claim 14, line 2, change from "outlet comprising" to "outlet, said joint comprising".

Claim 17, line 2, change from "the fluid" to "a fluid".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5, 7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 1315610, Schulz.

In regards to claim 1, Schulz discloses a swivel joint comprising a first member (15) having an externally milled barrel and a second member (3) having an internally milled barrel, wherein the second member accommodates the first member in a leak-proof yet relatively rotatable relationship, and wherein the first and second members are held together by a collar (10).

The method of forming the device is not germane to the issue of patentability of the device itself, in particular, internally and externally milled barrels. Therefore, these limitations have not been given patentable weight.

In regards to claim 3, Schulz discloses the barrel of the first member being tapered to facilitate assembly with the second member which has a complementary taper.

In regards to claim 4, Schulz discloses the second member being adapted for connecting to a fluid line and the first member is adapted for connecting to an attachment (14).

In regards to claim 5, Schulz discloses the first member having a screw thread on one end which mates with an internal screw thread formed in the attachment.

In regards to claim 7, Schulz discloses the first member being integrally formed on an attachment.

In regards to claim 9, Schulz discloses the second member being integrally formed on a fluid line.

In regards to claim 10, Schulz discloses the collar being a cylindrically shaped housing.

In regards to claim 11, Schulz discloses the housing being designed for tightening and untightening by hand.

In regards to claim 12, Schulz discloses the housing including an internal wall, offset from one end of the housing, with an opening therethrough.

In regards to claim 13, Schulz discloses the housing including an internal screw thread to one side of the wall which is designed to mate with an externally threaded stem on the end of the first member extending through the opening.

Claims 1, 7-12 and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 2712457, Kimbro.

In regards to claim 1, Kimbro discloses a swivel joint comprising a first member (7) having an externally milled barrel and a second member (4) having an internally milled barrel, wherein the second member accommodates the first member in a leak-proof yet relatively rotatable relationship, and wherein the first and second members are held together by a collar (16).

In regards to claim 2, Kimbro discloses a recess (9) being formed in the externally milled barrel of the first member which accommodates an o-ring (10).

In regards to claim 7, Kimbro discloses the first member being integrally formed on an attachment.

In regards to claim 8, Kimbro discloses the attachment being a shower head (3).

In regards to claim 9, Kimbro discloses the second member being integrally formed on a fluid line (2).

In regards to claim 10, Kimbro discloses the collar being a cylindrically shaped housing.

In regards to claim 11, Kimbro discloses the housing being designed for tightening and untightening by hand.

In regards to claim 12, Kimbro discloses the housing including an internal wall, offset from one end of the housing, with an opening therethrough.

In regards to claim 14, Kimbro discloses a swivel joint comprising a first element (7) having a barrel with an externally projecting milled face (9), and a second element (4) having a barrel with an externally projected milled face (15), wherein a resiliently deformable sealing member (10, 14) is accommodated in one of the faces, and the first and second elements are held together in face-to-face relatively rotatable relationship by means of a collar (16).

In regards to claim 15, Kimbro discloses the resiliently deformable sealing member being an o-ring.

In regards to claim 16, Kimbro discloses the o-ring (14) being located in a recess formed in the face of the second element.

In regards to claim 17, Kimbro discloses the second element being adapted for connecting to the fluid line and the first element being adapted for connecting to an attachment.

In regards to claim 18, Kimbro discloses the fluid line being a water line (2) and the attachment being a shower head (3).

In regards to claim 19, Kimbro discloses the collar being a cylindrically shaped housing.

In regards to claim 20, Kimbro discloses the housing being designed for tightening and untightening by hand.

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In regards to claim 21, Kimbro discloses the housing including an internal wall, offset from one end of the housing, with an opening therethrough.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz in view of US patent 2712457, Kimbro.

In regards to claim 2, Schulz discloses the claimed invention except for a recess being formed in the externally milled barrel of the first member which accommodates an o-ring. Kimbro teaches a recess (9) formed in a barrel (8) of a first member (7) which accommodates an o-ring (10) "to provide an effective seal" (col. 3, lines 5-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a recess in the barrel of a first member which accommodates an o-ring to provide an effective seal, as taught by Kimbro.

In regards to claim 3, Schulz discloses the barrel of the first member being tapered to facilitate assembly with the second member which has a complementary taper.

Conclusion

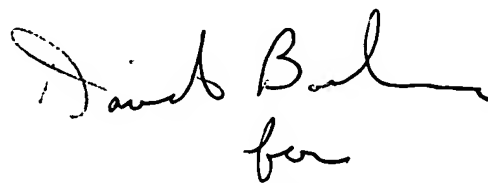
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the current state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

amd
April 19, 2003

A handwritten signature in cursive script, appearing to read "Lynne H. Browne", with the word "for" written below it.

Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670